

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 759

Introduced by Senators Anderson and Hancock
(Coauthors: Senators Leno and Mitchell)
(Coauthor: Assembly Member Jones-Sawyer)

February 27, 2015

An act to add Article 7 (commencing with Section 2696) to Chapter 4 of Title 1 of Part 3 ~~of~~ *of, and to repeal and add Section 2933.6 of*, the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 759, as amended, Anderson. Prisoners: Secured Housing ~~Units; reports: Units.~~

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law authorizes Security Housing Units for segregation of certain prisoners for disciplinary or security purposes, and because of gang membership or association.

The bill would require the department, commencing July 1, 2016, to collect specified data regarding inmates subject to a term in a Security Housing Unit. The bill would require the Inspector General, commencing January 1, 2018, and biennially thereafter, to use the data to prepare reports for the Legislature on specified criteria pertaining to inmates in a Security Housing Unit and a Psychiatric Services Unit.

Existing law requires a prisoner of the Department of Corrections and Rehabilitation to be awarded credit reductions from his or her term of confinement of 6 months for every 6 months of continuous confinement, as specified. Existing law provides for up to 6 weeks of additional credit in a 12-month period for the successful completion of

certain rehabilitative programs, for certain inmates, as specified. Existing law makes a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for specified misconduct, or upon validation as a prison gang member or associate, ineligible to earn credits pursuant to these provisions.

This bill would repeal those provisions and instead authorize the department to establish regulations to allow specified inmates placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit to earn credits during the time he or she is in the Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or the Administrative Segregation Unit.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 7 (commencing with Section 2696) is
2 added to Chapter 4 of Title 1 of Part 3 of the Penal Code, to read:

3
4 Article 7. Security Housing Unit Reports
5

6 2696. (a) Commencing July 1, 2016, the department shall
7 collect the following data:

8 (1) Information relating to each offender who is going through,
9 or has gone through, the validation process for determining a
10 security threat group affiliate, including the following:

11 (A) The offender's gender, age, mental health status, and race.

12 (B) The outcome at every step of the validation process.

13 (C) If the offender was validated, the date of validation.

14 (D) If the offender was validated, the level of validation that
15 the offender assigned.

16 (2) Information relating to the offender being housed in the
17 Security Housing Unit or Psychiatric Services Unit, including the
18 following:

19 (A) The offender's gender, age, mental health status, and race.

20 (B) The date the offender was placed in the Security Housing
21 Unit or Psychiatric Services Unit and the date of release.

1 (C) The reason the offender is serving a Security Housing Unit
2 term.

3 (D) The number of visits from persons other than staff that the
4 offender was provided while serving a term in the Security Housing
5 Unit or Psychiatric Services Unit.

6 (E) The number of phone calls the offender was provided while
7 serving a term in the Security Housing Unit.

8 (F) Whether the offender attempted to commit or committed
9 suicide.

10 (G) Any disciplinary action taken against the offender, and the
11 result of that action.

12 (H) Whether the offender was paroled directly out of the
13 Security Housing Unit or the Psychiatric Services Unit into the
14 community.

15 (3) The number of administrative appeals filed by offenders in
16 the Security Housing Unit or Psychiatric Services Unit, the subject
17 matter of the appeals, and the outcome of the appeals.

18 (b) Commencing January 1, 2018, and biennially thereafter, the
19 Office of the Inspector General shall use the data described in
20 subdivision (a) to prepare a report to the Legislature that includes,
21 but is not limited to, the following information:

22 (1) The number of offenders investigated for security threat
23 group validation.

24 (2) The number of cases in which the Office of Correctional
25 Safety recommended against validation and the outcome of those
26 cases.

27 (3) The number of cases in which the security threat group
28 committee decided not to validate the offender.

29 (4) The number of offenders who were not initially placed in
30 the Security Housing Unit or Psychiatric Services Unit but were
31 sent to the Security Housing Unit or Psychiatric Services Unit
32 within six months of validation.

33 (5) The number of offenders placed for an indeterminate
34 Security Housing Unit term or in the Psychiatric Services Unit.

35 (6) The number of offenders placed for a determinate Security
36 Housing Unit term or in the Psychiatric Services Unit.

37 (7) The average length of time offenders serving an
38 indeterminate Security Housing Unit term spent in the Security
39 Housing Unit or the Psychiatric Services Unit, or both.

(8) The number of suicide attempts made by offenders in the Security Housing Unit and the Psychiatric Services Unit.

(9) The number of suicides by offenders in the Security Housing Unit and the Psychiatric Services Unit.

(10) The number of offenders in the Security Housing Unit and the Psychiatric Services Unit who were paroled directly out of the Security Housing Unit and the Psychiatric Services Unit into the community.

(11) The number of disciplinary actions taken against offenders in the Security Housing Unit and the Psychiatric Services Unit, the type of actions, and the outcomes of the disciplinary actions.

(12) The number of visits by persons other than staff to offenders in the Security Housing Unit and the Psychiatric Services Unit.

(13) The number of phone calls provided to offenders in the Security Housing Unit and the Psychiatric Services Unit.

(14) The number of administrative appeals filed by offenders in the Security Housing Unit or the Psychiatric Services Unit, the subject matter of the appeals, and the outcomes of those appeals.

(c) The report required by subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 2. Section 2933.6 of the Penal Code is repealed.

~~2933.6. (a) Notwithstanding any other law, a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for misconduct described in subdivision (b) or upon validation as a prison gang member or associate is ineligible to earn credits pursuant to Section 2933 or 2933.05 during the time he or she is in the Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or the Administrative Segregation Unit for that misconduct.~~

~~(b) This section applies to the following offenses:~~

~~(1) Murder, attempted murder, and solicitation of murder. For purposes of this paragraph, solicitation of murder shall be proven by the testimony of two witnesses, or of one witness and corroborating circumstances.~~

~~(2) Manslaughter.~~

~~(3) Assault or battery causing serious bodily injury.~~

~~(4) Assault or battery on a peace officer or other nonprisoner which results in physical injury.~~

~~(5) Assault with a deadly weapon or caustic substance.~~

1 ~~(6) Rape, attempted rape, sodomy, attempted sodomy, oral~~
2 ~~copulation, or attempted oral copulation accomplished against the~~
3 ~~victim's will.~~

4 ~~(7) Taking a hostage.~~

5 ~~(8) Escape or attempted escape with force or violence.~~

6 ~~(9) Escape from any departmental prison or institution other~~
7 ~~than a camp or reentry facility.~~

8 ~~(10) Possession or manufacture of a deadly weapon or explosive~~
9 ~~device.~~

10 ~~(11) Arson involving damage to a structure.~~

11 ~~(12) Possession of flammable, explosive material with intent to~~
12 ~~burn any structure or property.~~

13 ~~(13) Solicitation of assault with a deadly weapon or assault by~~
14 ~~means of force likely to produce great bodily injury, arson, or a~~
15 ~~forcible sex act.~~

16 ~~(14) Intentional destruction of state property in excess of four~~
17 ~~hundred dollars (\$400) during a riot or disturbance.~~

18 ~~(e) This section does not apply if the administrative finding of~~
19 ~~the misconduct is overturned or if the person is criminally~~
20 ~~prosecuted for the misconduct and is found not guilty.~~

21 *SEC. 3. Section 2933.6 is added to the Penal Code, to read:*

22 2933.6. (a) *The Department of Corrections and Rehabilitation*
23 *may establish regulations to allow specified inmates placed in a*
24 *Security Housing Unit, Psychiatric Services Unit, Behavioral*
25 *Management Unit, or an Administrative Segregation Unit to earn*
26 *credits pursuant to Section 2933 or 2933.05, or credits as otherwise*
27 *specified in regulation, during the time he or she is in the Security*
28 *Housing Unit, Psychiatric Services Unit, Behavioral Management*
29 *Unit, or the Administrative Segregation Unit. The regulations shall*
30 *establish separate classifications of serious disciplinary infractions*
31 *to determine the rate of restoration of credits, the time period*
32 *required before forfeited credits or a portion thereof may be*
33 *restored, and the percentage of forfeited credits that may be*
34 *restored for those time periods, not to exceed those percentages*
35 *authorized for general population inmates. The regulations shall*
36 *provide for credit earning for inmates who successfully complete*
37 *specific program performance objectives.*

- 1 *(b) No credits shall be awarded to those inmates pursuant to*
- 2 *this section until the department has adopted regulations pursuant*
- 3 *to subdivision (a).*